

Remarks

Status of the Claims

Claims 1, 3, 5, 7, 9, 11, 13 and 15 are pending in this application. No claims have been canceled or added. Claim 1 has been amended to define the copolymer as having no crystallinity. No new matter has been introduced by the claim amendment. Additionally, no new issues have been raised that require additional search and consideration. As such, Applicants respectfully request entry of this Reply because it places that application in condition for allowance or at least simplifies issues for appeal.

Rejection under 35 USC 102(e)

The Examiner rejects claims 1, 3, 5, 7, 9, 11, 13 and 15 as anticipated by Iseki et al., U.S. Patent 6,288,193 (Iseki '193). Applicants traverse the rejection and respectfully request the withdrawal thereof.

The present invention is directed to a copolymer of ethylene and a vinyl compound (I) as defined in claim 1, wherein the copolymer has no crystallinity. The copolymer of the present invention has no melting point as is apparent from page 5, lines 18 to 21 of the specification.

Iseki '193 discloses an ethylene-based crystalline polymer composed of ethylene based monomer and a vinyl compound. The Iseki

'193 ethylene based monomer has a melting temperature of 119°C or lower. See claim 1 of Iseki '193. This melting temperature characteristic and the contents of the vinyl compound (A) as defined by the arithmetic formulas (6) and (7) at column 4, lines 10 to 12 of Iseki '193 accounts for the crystallinity of the Iseki '193 polymer.

Applicants submit that clearly the polymer disclosed in Iseki '193 is different from the present invention on the basis of crystallinity and melting temperature. The present invention is not crystalline; thus, having no melting temperature. On the other hand, the polymer in Iseki '193 is crystalline and has a melting temperature of 119°C or lower. If the polymer in Iseki '193 had no melting temperature, then the disclosure of the arithmetic formulas (6) and (7) would be unclear.

Applicants submit that even if the crystallinity in Iseki '193 were low as proffered by the Examiner, the melting temperature of 119°C or lower still suggests that the polymer in Iseki '193 is crystalline. Iseki '193 never discloses a non crystalline copolymer with no melting temperature. As such, Applicants submit that Iseki '193 fails to disclose or suggest each and every element of the present invention and thus, cannot anticipate or make obvious the present invention.

Applicants also submit that DE 19951277 A1 submitted in the Information Disclosure Statement filed August 13, 2003 is the

German equivalent of Iseki '193 and a substantial duplicate. DE '277 was published on May 4, 2000 and is thus prior art to the present invention. However, Applicants submit that DE '277 does not anticipate or make obvious the present invention for the same reasons as stated above. DE '277 fails to disclose or suggest a non crystalline copolymer that has no melting temperature as in the present invention. As such, the present invention is also allowable over DE '277.

Conclusion

As Applicants have addressed and overcome all rejections in the Office Action, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a two (2) month extension of time for filing a reply in connection with the present application, and the required fee of \$420.00 is attached hereto.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kecia Reynolds (Reg. No. 47,021) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.


Respectfully submitted,

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